

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the STATES	§	
of CALIFORNIA, DELAWARE, FLORIDA,	§	
HAWAII, ILLINOIS, INDIANA, IOWA,	§	
MASSACHUSETTS, MINNESOTA,	§	
MONTANA, NEVADA, NEW JERSEY, NEW	§	
MEXICO, NORTH CAROLINA, RHODE	§	
ISLAND, TENNESSEE, VERMONT, and	§	
VIRGINIA; and the DISTRICT OF COLUMBIA,	§	
CITY OF CHICAGO, COUNTY OF	§	
BROWARD, and COUNTY OF MIAMI-DADE	§	
<i>ex rel.</i> John Kurzman,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
MICROSOFT CORP., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**MOTION FOR LEAVE TO  
WITHDRAW REPRESENTATION AND TERMINATE ELECTRONIC NOTICES**

Joel M. Androphy and Chris Sprengle of Berg & Androphy (“B&A”), undersigned counsel for Plaintiff-Relator John Kurzman (“Relator”) in this case, pursuant to Local Civil Rule 1.4, move for leave of court to withdraw as attorneys of record. This motion is supported by the attached affidavit. In support of its motion demonstrating justifiable cause, undersigned counsel show as follows:

1. On August 10, 2022, the Government informed undersigned counsel that the United States decided to decline to intervene in this case, and subsequently filed The Government’s Notice of Decision to Decline Intervention with the Court. Dkt. 10.

2. On September 6, 2022, this Court ordered that this case be unsealed and requested the parties to refile “all documents on the public docket except for those intended to remain under seal.” Dkt.11. However, undersigned counsel was not informed about the Court’s order until October 11, 2022.

3. Pursuant to the Court’s order, on October 27, 2022, undersigned counsel refiled Relator’s Original Complaint, which was originally filed on May 10, 2019. Dkt. 12. Undersigned counsel also refiled Plaintiff/Relator’s Notice of Dismissal of Count IV, which was originally filed on June 21, 2019. Dkt. 13.

4. Justifiable cause exists to withdraw as attorney of record because the Fee Agreement between Relator and B&A provides that the firm may withdraw representation if the government declines intervention. On August 11, 2022, Joel Androphy, on behalf of B&A, exercised this right and B&A provided to Relator in writing with reasonable notice of its intent to file a motion to withdraw representation. B&A also notified Relator that he could obtain new counsel to proceed with the case, or in the alternative, dismiss the case.

5. B&A has further informed Relator on multiple occasions that the firm was withdrawing as counsel once the Court unsealed the case.

6. Justifiable cause further exists to withdraw as attorney of record because Mr. Joel Androphy has recently developed serious health issues and is unable to continue representing Relator. Given this development and because this case is proceeding to another stage in litigation, the firm is currently unable to handle this particular case, especially without Mr. Androphy.

7. Justifiable cause further exists because an irreconcilable conflict has arisen between undersigned counsel and Relator. As a result, the attorney-client relationship has been irreparably compromised.

8. Relator is opposed to this Motion. Relator has further indicated his desire to proceed with the case.

9. The Government has been notified about this motion and takes no position on this motion.

10. Undersigned counsel respectfully moves for leave of court to permit B&A to withdraw as attorney of record. Undersigned counsel respectfully requests that this Court issue an Order discharging B&A as attorneys of record for Relator and requests that the Clerk of this Court terminate delivery of all notices to undersigned counsel in this case.

11. Undersigned counsel further requests that this Court issue an Order staying the case for 60 days to provide Relator with more time to obtain new counsel.

Respectfully submitted,

/s/ Chris Sprengle

Joel M. Androphy  
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TX State Bar No. 24092418  
Chris Sprengle  
NY State Bar No. 4287686

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**COUNSEL FOR RELATOR**  
**JOHN KURZMAN**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 31, 2022, a true and complete copy of the foregoing document was duly served through the ECF System.

The undersigned hereby certifies that on October 31, 2022, a true and complete copy of the foregoing document was duly served on Relator via *electronic mail* and will also be sent via *certified mail, return receipt requested*.

The undersigned hereby certifies that October 31, 2022, a true and complete copy of the foregoing document was delivered to the following via electronic mail and/or certified mail, return receipt requested.

/s/ Chris Sprengle  
Chris Sprengle

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<p><b><i>For Florida</i></b>  Christopher Knight  Assistant Attorney General  Department of Legal Affairs  PL-01, The Capitol  Tallahassee, Florida 32399-1050  (850) 414-3300  Christopher.Knight@myfloridalegal.com</p>	<p><b><i>For Hawaii</i></b>  Benjamin M. Creps  Deputy Attorney General  Commerce and Economic Development  Division  State of Hawaii  808-586-1180  benjamin.m.creps@hawaii.gov</p>
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<p><b><i>For Minnesota</i></b>  Jason Pleggenkuhle  Manager, Consumer, Wage, and Antitrust  Division  Assistant Attorney General  Office of the Minnesota Attorney General  445 Minnesota Street, Suite 1200  St. Paul, Minnesota 55101  (651) 757-1147  Jason.Pleggenkuhle@ag.state.mn.us</p>	<p><b><i>For Montana</i></b>  Anne W. Yates  Assistant Attorney General  Department of Justice  Office of Consumer Protection  P.O. Box 200151  Helena, Montana 59620-0151  (406) 444-0089  AnneYates@mt.gov</p>

<p><b><i>For Nevada</i></b>  Gregory D. Ott  Chief Deputy Attorney General  Government and Natural Resources Division  Office of the Attorney General  100 N. Carson Street  Carson City, NV 89701  (775) 684-1229  gott@ag.nv.gov</p>	<p><b><i>For New Jersey</i></b>  Christina J. Garfield  Deputy Attorney General  New Jersey Division of Law Government &amp;  Healthcare Fraud  124 Halsey Street, 5th Floor, P.O. Box  45029-5029  Newark, New Jersey 07101  Office: 201-648-3070  christina.garfield@law.njoag.gov</p>
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<p><b><i>For City of Chicago</i></b>  Rebecca Hirsch  Assistant Corporation Counsel  Affirmative Litigation Division  City of Chicago Department of Law  121 N. LaSalle Street, Room 600  Chicago, Illinois 60602  (312) 744-8143  Rebecca.hirsch2@cityofchicago.org</p>	<p><b><i>For Broward County, Florida</i></b>  Benjamin Crego  Assistant County Attorney  115 South Andrews Avenue, Suite 423  Fort Lauderdale, Florida 33301  Telephone: (954) 357-7600  bcrego@broward.org</p>

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